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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LAURIE TIETJEN,

Plaintiff,

vs.

UNUM LIFE INSURANCE COMPANY OF
AMERICA,

Defendant.

-----X

16-CV-7021-JMF

ATTORNEY AFFIRMATION OF
JENNIFER L. HESS IN SUPPORT
OF PLAINTIFF'S MOTION ON
STANDARD OF REVIEW

JENNIFER L. HESS, an attorney duly admitted to practice in the Courts of this State, does hereby affirm to be true under the penalties of perjury as follows:

1. I am counsel for plaintiff Laurie Tietjen in the above-referenced action. I submit this affirmation in support of plaintiff's motion to determine the standard of review, dated December 16, 2016.

2. **Exhibit A** is a true and correct copy of the Time Warner Inc. LTD Group Policy No. 567843 001 ("the Plan Document"), which was produced by UNUM Life Insurance Company of America ("UNUM") on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264-001674 through 001710.

3. **Exhibit B** is a true and correct copy of the Additional Summary Plan Description (“SPD”), which was produced by UNUM on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264-001711 through 001717.

4. **Exhibit C** is a true and correct copy of Amendment No. 12 to the Plan Document, which was produced by UNUM on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264-001673.

5. **Exhibit D** is a true and correct copy of a section titled “Application of the Self-Reported Symptom Limitation” from UNUM’s Benefits Center Claims Manual as of October 1, 2010, which was produced by UNUM in a prior litigation with this firm, *McDonnell v. First UNUM Life Ins. Co.*, 2013 U.S. Dist. LEXIS 110361 (S.D.N.Y Aug. 2, 2013), on September 12, 2008.

6. **Exhibit E** is a true and correct copy of the Initial LTD Benefit Termination Letter from Kristie Landry, Lead Disability Specialist, dated February 26, 2015, which was produced by UNUM on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264-003490 through 003496.

7. **Exhibit F** is a true and correct copy of the Final LTD Benefit Determination Letter from Phaen Stone, Lead Appeals Specialist, dated November 19, 2015, which was produced by UNUM on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264-004499 through 004513.

8. **Exhibit G** is a true and correct copy of the Neuropsychological Evaluation by Judith G. Leventhal, Ph.D., dated March 27, 2014, which was produced by UNUM on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264- 003014 through 003033.

9. **Exhibit H** is a true and correct copy of the Clinical Review by Dr. Jacqueline Crawford, dated November 5, 2015, which was produced by UNUM on November 22, 2016. This document bears Bates stamp UA-CL-LTD-NL7469264-004482 through 004495.

10. **Exhibit I** is a true and correct copy of UNUM Corporate Disclosure Statement, made pursuant to F.R.C.P. 7.1, which was produced by UNUM in this case on November 16, 2016.

WHEREFORE, this Court should declare the appropriate standard of review in this action as *de novo*.

Date: New York, New York
December 16, 2016

Respectfully submitted,

/s/ Jennifer L. Hess

Jennifer L. Hess (JS 3684)

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CERTIFICATE OF SERVICE

I certify I am attorney for PLAINTIFF and that on December 16, 2016, I served a true and complete copy of the Attorney Affirmation of Jennifer L. Hess In Support of Plaintiff's Motion on Standard of Review, by transmitting the same via Federal Express and Email to the following individuals:

Patrick W. Begos, Esq.
Attorney for Defendant
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I also certify this document was filed through the ECF system and will be served electronically to all registered participants on December 16, 2016.

Date: New York, New York
December 16, 2016

Respectfully submitted,

/s/ Jennifer L. Hess
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